

CORNELIS BALVERT - JUNE 15, 2005

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN TURNER)
) CIVIL ACTION
vs.)
) NO. 04-936 (JJF)
B.V. SHIPPING COMPANY)
LUZON STRAIT (GRONINGEN))

ORAL DEPOSITION

CORNELIS J. BALVERT

June 15, 2005

COPY

ORAL DEPOSITION OF CORNELIS J. BALVERT, produced
as a witness at the instance of the Plaintiff and
duly sworn, was taken in the above-styled and
numbered cause on the 15th day of June, 2005, from
3:37 p.m. to 4:27 p.m., before Michelle
Hartman-Solari, Certified Shorthand Reporter and
Registered Professional Reporter, reported by
computerized stenotype machine at the offices of the
Motel Schiphol A4, Rijksweg A4 No. 3, 2132 MA
Hoofdoorp, The Netherlands, pursuant to the Federal
Rules of Civil Procedure and the provisions stated on
the record or attached hereto.



1 that, but it -- but that's all, I have -- I have seen
2 it.

3 Q. Well, I am going to show you a photograph
4 somewhere in here. Is that it?

5 MR. WHELAN: This?

6 MR. GRUBER: Ah, thank you. It's
7 right in front of you.

8 MR. WHELAN: The witness is looking at
9 Exhibit DD.

10 Q. (BY MR. GRUBER): Now, I know that it wasn't
11 painted that color when you first saw it. But when
12 you first saw -- now, this is the access lid -- I
13 call it the access lid -- at the forward end of hatch
14 2C.

15 A. Yes.

16 Q. Do you see the hook-and-eye --

17 A. Yes.

18 Q. -- locking device? Was that the locking
19 device that you saw when you first went on board the
20 ship?

21 A. Yes.

22 Q. Did you consider that to be high-tech or
23 modern?

24 A. Not high-tech. It's -- I see it already
25 for many years.

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1 Q. In that location down at the bottom of the
2 hatch lid?

3 A. In this case, that's the normal location.

4 Q. And have you seen hook-and-eyes used where
5 either the hook is secured to a stanchion or a
6 bulkhead and then goes into an eye on the hatch lid
7 itself?

8 A. I have also seen that kind of
9 constructions.

10 Q. Okay. And over the years in your
11 experience, have you seen ships where there are
12 separate handholds for people to hold onto when
13 coming out of the access hatch areas?

14 A. I have also that seen.

15 Q. You have seen this?

16 A. Yeah.

17 Q. And you saw that for many years before you
18 even boarded the LUZON STRAIT; is that correct?

19 MR. WHELAN: Object to form of the
20 question. You can answer.

21 THE WITNESS: I sailed 37 years, I saw
22 so many kinds of handholds and doors and -- and
23 things, with and without hand --

24 THE INTERPRETER: Handles.

25 THE WITNESS: -- handles of a hand --

1 A. I don't know, because it was after my time.

2 Q. Okay.

3 A. It's not during my time.

4 Q. Okay. Do you personally remember talking
5 to anybody about the hook-and-eye that was used on
6 this hatch lid?

7 A. No. There was no reason. I used it many
8 times. It was safe and it was easy-go. It was for
9 me no problem.

10 Q. In other words, during the time that you
11 were on the ship -- and this would have been before
12 November 8, 2002 -- you went in and out of that hatch
13 2D using that access hatch, correct?

14 A. Correct. And just this hatch many, many,
15 times for a certain reason.

16 Q. What was the reason?

17 A. Because I was trying to find an air leak.

18 Q. And what was your weight at that time?

19 A. My weight at that time was 110 kilos, 112
20 kilos.

21 THE INTERPRETER: We measure in kilos.
22 I'm sorry.

23 MR. GRUBER: I know. But can somebody
24 translate?

25 THE COURT REPORTER: Off the record.